REMARKS/ARGUMENTS

Claims 1-10 are pending in the application. Claims 1 and 3 are currently amended. Claims 2 and 5 are cancelled.

The Examiner has rejected claims 1-7, 9 and 10 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,002,121 to von Erichsen and U.S. Patent No. 2,863,644 to Fallon. The Applicant respectfully traverses the rejection.

The Examiner states in her office action that "Von Erichesen discloses a duct leading to a bypass and duct leading of a heat exchanger are arranged at the output side of the gas turbine. Flaps can close the two ducts alternately . . .". The Examiner also states that "when the flaps in the bypass are open, the guide plates are inclined relative to the flow of combustion gases and deflect the flow into the duct leading to the bypass are closed, the guide plates are pivoted to extend parallel to the flow of combustion gases." The Applicant believes in the latter statement the Examiner intended to say that "when the flaps in the bypass are open, the guide plates are inclined relative to the flow of combustion gases and deflect the flow into the duct leading to the bypass, *and when the flaps in the bypass* are closed, the guide plates are pivoted to extend parallel to the flow of combustion gases." The Examiner goes on to indicate that U.S. Patent No. 2,863,644 to Fallon teaches the use of a butterfly valve at a T-piece of pipes leading from a heat exchange.

The Applicant respectfully directs the Examiner's attention to the Application's Independent Claim 1. Independent Claim 1, as amended is as follows:

1. A method of supplying a waste heat exchanger with exhaust gas from a gas turbine, comprising the following steps:

allowing the exhaust gas flowing from the gas turbine to pass through a diverter that has a pivotable butterfly valve;

opening the pivotable butterfly valve to initiate entry of gas into the waste heat exchanger;

allowing the exhaust gas to flow about a free edge of the pivotable butterfly valve;

deflecting at least partially a stream of the exhaust gas into the waste heat exchanger; and

discontinuing or eliminating deflection downstream of the pivotable butterfly valve after initial entry of the exhaust gas into the waste heat exchanger.

The von Erichsen patent specifically teaches in its specification at Column 3, lines 14-19 that, "two rows of four two-bladed flaps each are arranged in each duct, so that the ducts are particularly effectively sealed when the flaps are closed and blocking air can be introduced between the two rows of flaps." Clearly von Erichsen teaches the complete blockage of the ducts. Conversely, Independent Claim 1 of the present invention claims "allowing the exhaust gas to flow about a free edge of the pivotable butterfly valve" (Claim 1, line 7). This allows the gas stream to be divided into three partial streams for a more uniform division of the cross sectional area of the channel leading to the heat exchanger. (Specification, p. 6, lines 16-21.) Neither von Erichsen nor Fallon nor the combination of the two references teach the method as set forth in Independent Claim 1. Therefore, the Applicant respectfully

traverses the rejection and requests that the Examiner withdraw the rejection of Claim 1.

The Examiner has also rejected Independent Claim 3 and Claims 4-10 depending therefrom on the basis of the von Erichsen and Fallon combination of references as described above. Independent Claim 3, as amended, follows:

3. An arrangement for supplying a waste heat exchanger, with exhaust gas from a gas turbine, comprising:

a diverter disposed between a gas turbine and a waste heat exchanger, wherein the diverter is provided with a pivotable butterfly valve capable of blocking gas flow to said diverter or alternately, said gas turbine, or alternately partially diverting a flow to either of said diverter or said gas turbine; and

a guide mechanism disposed downstream of the pivotable butterfly valve for at least partially deflecting a stream of the exhaust gas during initial entry of the exhaust gas into the waste heat exchanger, wherein the guide mechanism is provided with at least one guide plate, and wherein the at least one guide plate is pivotable between a deflection position and a position that essentially does not affect the exhaust gas flow.

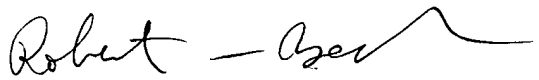
As with the above discussion concerning the method claim (1), there is no teaching or suggestion by von Erichsen or Fallon or by the combination of the references of a pivotable valve capable of diverting a flow of gas partially between the bypass and inflow to the waste heat exchanger. As discussed above, this creates a more uniform distribution of the flow over a cross-section of the inflow duct to the heat exchanger. This is neither taught nor suggested by the cited references. As a

result, the Applicant respectfully requests that the rejection to Independent Claim 3 and the rejections to Claims 4, and 6-10, which depend directly or ultimately from Claim 3, be withdrawn.

Please note that the Office Action Summary sheet, PTOL-326, indicated that the drawings were "objected to by the Examiner". However, as there was no attached Notice of Draftsperson's Drawing Review, PTO-948, nor was there any reference to the drawings in the body of the Office Action, the Applicant is unable to provide any changes until the Examiner provides clarification to what in particular the objection is directed.

The Applicant has attempted to be responsive to all the Examiner's statements and rejections. If the Examiner believes it would be helpful, she is invited to telephone the undersigned to discuss the application.

Respectfully submitted,



Robert W. Becker, Reg. 26,255
Attorney for Applicant(s)

ROBERT W. BECKER & ASSOCIATES
707 Highway 66 East, Suite B
Tijeras, New Mexico 87059
Telephone: 505 286 3511
Telefax: 505 286 3524

RWB:KCF:mac

Attachments